

### **REMARKS**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Claim 9-17 are rejected under 35 U.S.C. § 103(a) as obvious over Collins et al. (US 2003/0159990) or Baba et al. (US 6,461,511) or JP 8215681, or a combination of two or more of them. In order to further differentiate the claimed invention from the cited prior art, claim 9 has been appropriately amended. The antecedent basis in the specification for the change appears on page 5, lines 32-36.

The applicant's prior arguments recited in the response of March 11, 2009 are maintained. The following points highlight the patentable distinctions of the currently submitted claims

Collins et al. introduces chemical polymers (see [0013]) in a membrane biological reactor (MBR) to coagulate and flocculate the biomass. Collins et al. generate the sludge in situ, instead of adding an external biological floc, as claimed for the invention.

Baba does not say explicitly that a biological floc is used to prevent membrane fouling.

No reference teaches the average dry matter concentration lower than or equal to 2 g/l, which is an important feature of the invention for preventing or reducing the clogging of membranes.

Concerning JP 8215681, the Examiner declares that, contrary to applicant's argument according to which said JP reference uses mineral or organic coagulants. At least the abstract does not appear to teach that.

When we consider the English translation by computer of JP 8215681, it appears in [0010] in relation with Fig. 3, that a polymer solution with (probably with instead of which) added metal salt is contemplated.

This passage would confirm the Applicant's assertion about use of mineral or organic coagulants.

Moreover, recycled sludge 7 is produced in situ and is not issued from a place different from the tank 2 in which the membrane is situated. Consequently, it is more difficult than according to the invention to adjust the average dry matter concentration.

Said JP reference gives no numerical value for this average concentration.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 21029-00309-US1 from which the undersigned is authorized to draw.

Dated: September 24, 2009

Respectfully submitted,

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